No. 2069, *dated* 27*th October* 1925.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, published in Notification No. P. 4347—Legis. 13-23-22, dated 5th February 1924, the accompanying Bills:—

(1) to amend the Mysore Civil Courts Regulation, 1883,
(2) to amend the Mysore Land Revenue Code (Regulation IV of 1888),
(3) to further amend the Mysore Land Acquisition Regulation, 1894,

are published for general information with the statements of objects and reasons.

By Order,
R. RANGA RAO,
Secretary,
Mysore Legislative Council.

(1) BILL TO AMEND THE MYSORE CIVIL COURTS REGULATION, 1883.

Whereas it is expedient to further amend the Mysore Civil Courts Regulation, 1883, His Highness the Maharaja is pleased to enact as follows:—

After Section 4 of the Regulation the following new sections shall be inserted, *viz*:—

"4. A. The Government of Mysore may, by notification, fix and from time to time vary the number of Subordinate Judges to be appointed for a Subordinate Judge's Court or the number of Munsiffs to be appointed for a Munsiff's Court.

4. B. When more than one Subordinate Judge is appointed to a Subordinate Judge's Court or more than one Munsiff to a Munsiff's Court, one of the Subordinate Judges or the Munsiff's shall be called the Principal Subordinate Judge or Principal Munsiff and the others Additional Subordinate Judges or Additional Munsiffs as the case may be.

Each of the Judges appointed to a Subordinate Judge's Court or a Munsiff's Court may exercise all or any of the powers conferred on the Court by this Regulation or any other law for the time being in force.

Subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal Munsiff may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof".

Statement of Objects and Reasons.

The provisions of the Civil Courts Regulation as it stands at present do not permit of more than one Judge being appointed for a Subordinate Judge's or a Munsiff's Court. Whenever arrears accumulate in any such court, it becomes necessary to establish additional courts with separate establishments for temporary periods. For a distribution of work between the Courts the District Judges will have to formally transfer suits and proceedings from the permanent courts to the additional courts and retransfer them to permanent courts when the additional courts cease to exist.

Difficulties will also arise in the matter of the execution of the decrees and orders passed by the additional courts when they are abolished.

The present Bill is intended to avoid these inconveniences by providing for the appointment, when necessary, of more than one Judge for a single court.

(2) BILL TO AMEND THE MYSORE LAND REVENUE CODE, REGULATION IV OF 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, Regulation IV of 1888, His Highness the Maharaja of Mysore is pleased to enact as follows :—

The following Section shall be inserted as Section 183 A after Section 183.

"183. A. (1) Any person owning or claiming any interest in immoveable property sold under this Regulation may, at any time within 30 days from the date of sale, deposit in the Treasury of the taluk in which the immoveable property is situate—(*a*) a sum equal to 5 per centum of the purchase money and (*b*) a sum equal to the arrears of revenue for which the immoveable property was sold together with interest thereon and the expenses of attachment, management, and sale and other costs due in respect of such arrears; and may apply to the Deputy Commissioner to set aside the sale.

(2) If such deposit and application are made within 30 days from the date of sale, the Deputy Commissioner shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 5 per centum deposited by the applicant; provided that, if more persons than one have made deposits and applied under this Section, the application of the first depositor to the Officer authorised to set aside the sale shall be accepted.

(3) If a person applies, under Section 184, to set aside the sale of immoveable property, he shall not, unless he withdraws that application, be entitled to make or prosecute an application under this Section."

Statement of Objects and Reasons.

Under Section 184 of the Land Revenue Code, an application to set aside the sale of immoveable property held for the recovery of arrears of land revenue can be made only on the ground of some material irregularity, or mistake or fraud and a sale may be set aside on the ground of any such irregularity or mistake only if the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof. Under Section 185, the Deputy Commissioner may *suo motu* cancel the sale if he thinks that the sale ought to be set aside on other grounds. The existing law contains no provision to enable the owner of a land to save it for himself unless he is able to bring his case within the purview of Section 184. Under Order XXI Rule 89 of the Civil Procedure Code, any person who claims an interest in the land that is sold by order of a Court may save the land by depositing within 30 days from the date of sale, 5 per cent of the purchase money and the amount for which the land was sold together with the interest thereon and the expenses of attachment and sale. This principle has been adopted in Madras as regards sales of land for the recovery of land revenue. The necessity for amending our Revenue Code also on the same lines has been urged on the attention of Government. Although the discretionary power given to the Deputy Commissioner under Section 185 is wide enough to cover all kinds of cases, the grant of relief at present depends entirely on the discretion of that officer. As it has been brought to the notice of Government that liberal use is not made by the Revenue officers of the exercise of the discretion vested in them under the above section with the result that great hardship is caused to the owner of the land or other persons having interest therein, it is proposed to amend the law so as clearly to provide that the sale of land for arrears of revenue shall be cancelled if any person claiming interest in a land applied within 30 days of the date of sale for its cancellation, after depositing 5 per cent of the purchase money and also the arrears for which the land was sold together with interest thereon and the expenses of attachment and sale. If more than one applicant comes forward, the application of the first depositor is proposed to be accepted.

(3) BILL FURTHER TO AMEND THE MYSORE LAND ACQUISITION REGULATION, 1894.

WHEREAS it is expedient further to amend the Mysore Land Acquisition Regulation, 1894, His Highness the Maharaja is pleased to enact as follows:—

Short title and commencement.

1. (1) This Regulation may be called the Mysore Land Acquisition (Amendment) Regulation, 19—.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Amendment of Section 4.

2. In Sub-Section (1) of Section 4, after the word 'locality' where it first occurs, the words 'is needed or' shall be inserted.

Insertion of new Section 5A.

3. After Section 5, the following heading and section shall be inserted, *viz*:—

"Objections.

Hearing of objections.

5A. (1) Any person interested in any land which has been notified under Section 4, Sub-Section (1) as being needed or likely to be needed for a public purpose or for a company may, within thirty days after the issue of a notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under Sub-Section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give the objector an opportunity of being heard either in person or by pleader and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Government on the objections shall be final.

(3) For the purposes of this Section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation, if the land were acquired under this Regulation."

Amendment of Section 6.

4. In Sub-Section 1 of Section 6, for the words 'whenever it appears to the Government of Mysore' the following shall be substituted, *viz*.—

"When the Government is satisfied, after considering the report, if any, made under Section 5A, Sub-Section (2)."

Amendment of Section 11.

5. In Section 11, after the words "the value of the land," the words "at the date of the publication of the notification under Section 4, Sub-Section (1)" shall be inserted.

Amendment of Section 17.

6. To Section 17, the following Sub-Section shall be added, *viz*.—

"(4) In the case of any land to which in the opinion of the Government, the provisions of Sub-Section (1) or Sub-Section (2) are applicable, the Government may direct that the provisions of Section 5A shall not apply, and if it does so direct, a declaration may be made under Section 6, in respect of the land at any time after the publication of the notification under Section 4, Sub-Section (1)."

Amendment of Section 18.

7. At the end of Sub-Section (1) of Section 18, the following words shall be added, namely.

"and the Deputy Commissioner shall, within one month of the receipt of such application make the reference to the court."

Amendment of Section 23.

8. In clause *first* of Sub-Section (1) of Section 23 for the words "declaration relating thereto under Section 6", the words "Notification under Section 4, Sub-Section (1)" shall be substituted.

Amendment of Section 24.

9. In clause *seven* of section 24, for the words "declaration under Section 6" the words "notification under Section 4, Sub-Section (1)" shall be substituted.

10. In Sub-Section (1) of Section 40, after the word "satisfied", the words "either on the report of the Deputy Commissioner under Section 5A, Sub-Section (2) or" shall be inserted. Amendment of Section 40.

11. In Section 41,— Amendment of Section 41.

(*a*) for the words "Such officer.....it", substitute the words "if the Government,"

(*b*) after the word 'satisfied' the following words shall be inserted, *viz*:—

"after considering the report, if any, of the Deputy Commissioner, under Section 5A, Sub-Section 2, or on the report of the officer making an inquiry under Section 40".

Statement of Objects and Reasons.

The Mysore Land Acquisition Regulation, 1894, does not provide that persons, having an interest in land which it is proposed to acquire shall have the right of objecting to such acquisition. Nor is Government bound to enquire into and consider any objection that may reach them. The object of this Bill is to provide that the Government shall not declare under Section 6 of the Regulation, that any land is needed for a public purpose, unless time has been allowed, after the issue of a notification under Section 4, for persons interested in the land to put in objections, and for such objections to be considered by the Government. The Bill is based on the Government of India Act. XXXVIII of 1923, and the question of adopting these provisions was urged in the Dasara Session of the Representative Assembly of 1923.

Section 18 of the Regulation does not make it obligatory on the Deputy Commissioner to make the reference to the Court. In clause 7 of the Bill the Section is amended so as to make it compulsory on the part of the Deputy Commissioner to make the reference to the Court within one month after the receipt of the application for such reference.